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March 7, 2025

Ms. Molly Dwyer
Clerk of the Court
United States Court of Appeals
for the Ninth Circuit
95 Seventh Street
San Francisco, California 94103-1526

Re: No. 21-30177, *United States v. Leopoldo Rivera-Valdes*
En Banc Oral Argument - March 19, 2025 (San Francisco)
Government's 28(j) Letter

Dear Ms. Dwyer:

The following citations relate to the question of whether *Jones v. Flowers*, 547 U.S. 220 (2006), required the government to take additional reasonable steps, if practicable, to notify defendant of his deportation hearing after the hearing notice was returned unclaimed following actual service of the notice that initiated the proceedings that informed him of his rights and his responsibility to provide an address to receive proceedings-related mail.

- *Rauda v. Jennings*, 55 F.4th 773, 777 (9th Cir. 2022) (removing an alien while a motion to reopen is pending does not deprive him of “his statutory right to file a motion to reopen” and an alien who “has taken full advantage of his statutory rights [] will continue to have access to the process guaranteed to him under the statute even if he is removed”);

Molly Dwyer, Clerk of the Court

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- *United States v. Arita-Campos*, 607 F.3d 487, 492 (7th Cir. 2010) (similar).

Sincerely,

WILLIAM M. NARUS

Acting United States Attorney

District of Oregon

s/ Sarah Barr

SARAH BARR

Assistant United States Attorney

cc: Kimberly-Claire E. Seymour, Attorney for Petitioner